

**Amendment and Response**

Applicant: Jack L. Meador

Serial No.: 10/003,658

Filed: October 18, 2001

Docket No.: 10003643-1 (H302.151.101)

Title: RADIO COMMUNICATION DEVICE HAVING VOICE MESSAGING

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**REMARKS**

The following remarks are made in response to the Office Action mailed September 23, 2004. Claims 2, 19, and 28 have been cancelled. Claims 1-28 were rejected. Claim 21 has been objected to. With this Response, claims 1, 3, 10, 12, 13, 18, 21, and 24 have been amended. Claims 29-31 have been added. Claims 1, 3-18, 20-27, and 29-31 remain pending in the application and are presented for reconsideration and allowance.

**Claim Objections**

Claims 21 is objected to because of the following informalities:

In claim 21, line 2, "digital modulator" should read as --digital demodulator--.

Claim 21 has been amended to correct the informality. Accordingly, Applicant respectfully submits that the above objection should be withdrawn.

**IDS/PTO Form 1449**

Applicant notes that the Other References designated as references "1Q", "1R", and "1S" on the Form PTO-1449 received by our Office on October 12, 2004 were not initialed as being considered by the Examiner. Although the Examiner initialed the other documents listed on the Form PTO-1449 as being considered on September 8, 2004, Applicant notes that references "1Q", "1R", and "1S" were not initialed as being considered. Applicant, therefore, respectfully requests that references "1Q", "1R", and "1S" be considered by the Examiner and that the box adjacent references "1Q", "1R", and "1S" be initialed, and that an initialed and signed copy of the Form PTO-1449 be returned (see MPEP 609, subsection III.C(2)).

**Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Claims 1, 4-11, 13-16, 18, 20-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,790,957 to (Heidari). Claims 2, 3, 12, 19, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari in view of Bauer. Claims 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari in view of U.S. Patent No. 5,133,082 to (White).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Heidari. Claim 1 has been amended to include the limitation of claim 2, which is rejected under 35 U.S.C.

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103(a) in view of Bauer. Accordingly, only the rejection of claim 1 under 35 U.S.C. 103(a) is discussed in detail. Amended claim 1 recites a two-way radio. The two-way radio comprises a two-way radio signal transmitter, a two-way radio signal receiver including a receiver control system having a memory configured to convert radio signals to demodulated audio signals and store the demodulated audio signals in memory, and a switch operable for switching between the transmitter and the receiver.

Heidari discloses a cellular phone 10 having a memory 78 for storing speech. The cellular phone 10 provides features, such as prompt, voice pad, transcription, and voice mail. (See Abstract). The voice signal from cellular phone 10 is transmitted to another telephone via a base station 20. (Col. 5, lines 49-50). Cellular phone 10 includes a duplexer 54 for duplex communications with other telephones. (Col. 5, lines 51-54).

Bauer discloses a voice transmission system (Fig. 1B) for a protective face mask 12. The voice transmission system operates in either a transmit mode or a receive mode. A voice activated switch is provided to switch the two-way radio between these modes of operation. When the user speaks, the voice activated switch is activated to switch the two-way radio into a transmit mode. In the absence of the users voice, the voice activated switch is deactivated, switching the two-way radio into the receive mode. (Col. 2, lines 49-56).

Applicant submits that Heidari either alone or in combination with Bauer fails to disclose, teach, or suggest the two-way radio of independent claim 1. Heidari in combination with Bauer fails to disclose, teach, or suggest a two-way radio including **a two-way radio signal transmitter, a two-way radio signal receiver including a receiver control system having a memory configured to convert radio signals to demodulated audio signals and store the demodulated audio signals in memory, and a switch operable for switching between the transmitter and the receiver.**

Heidari teaches a cellular phone. As admitted by the Examiner, Heidari does not disclose a switch operable for switching between the transmitter and the receiver. (Office Action, page 8). In addition, Heidari does not disclose a two-way radio signal transmitter or a two-way radio signal receiver. Bauer does not disclose a two-way radio signal receiver including a receiver control system having a memory configured to convert radio signals to demodulated audio signals and store the demodulated audio signals in memory. Therefore, one of ordinary skill in the art could not combine Heidari with Bauer and arrive at the invention of independent claim 1.

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In addition, if Heidari is combined with Bauer, Heidari would become unsatisfactory for its intended purpose. The Examiner submits that Bauer discloses a switch operable for switching between the transmitter and the receiver. Bauer discloses a voice activated switch operable for switching between the transmitter and the receiver, however, the modification of Heidari proposed by the Examiner would render Heidari unsatisfactory for its intended purpose. Heidari discloses a cellular phone including a duplexer 54 which enables the cellular phone to exchange voice signals with other telephones for duplex communications. Both the receiver 50 and the transmitter 48 of the cellular phone are active simultaneously. Adding a switch operable for switching between the transmitter and the receiver to the cellular phone of Heidari, thereby activating the receiver and deactivating the transmitter, or deactivating the receiver and activating the transmitter, would not allow duplex communications. In view of the above, Applicant respectfully submits that the rejection of independent claim 1 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 3-9 depend directly or indirectly upon independent claim 1. Accordingly, dependent claims 3-9 are also allowable over the art of record.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Heidari. Claim 10 has been amended to include a limitation of claim 12, which is rejected under 35 U.S.C. 103(a) in view of Bauer. Accordingly, only the rejection of claim 10 under 35 U.S.C. 103(a) is discussed in detail. Applicant submits that Heidari either alone or in combination with Bauer also fails to disclose, teach, or suggest the two-way radio of independent claim 10. For the same reasons as discussed above with reference to claim 1, Heidari in combination with Bauer fails to disclose, teach, or suggest a two-way radio including **a two-way radio transmitter system, a two-way radio receiver system including a standby system including a memory wherein the standby system is configured for receiving audio signals from the receiver and storing the audio signals in the memory, and a first switch for switching the antenna between the transmitter system and the receiver system.** In view of the above, Applicant respectfully submits that the rejection of independent claim 10 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 11 and 12 depend directly on independent claim 10. Accordingly, dependent claims 11 and 12 are also allowable over the art of record.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Heidari. Applicant submits that Heidari fails to disclose the radio of amended independent claim 13.

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Heidari fails to disclose **a receiver for receiving radio signals via the antenna directly from another radio**. In contrast, Heidari receives radio signals from a base station 20 in order to communicate with another telephone. The cellular phone 10 of Heidari cannot receive radio signals directly from another telephone. In view of the above, Applicant respectfully submits that the rejection of independent claim 13 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 14-17 depend directly or indirectly upon independent claim 13. Accordingly, dependent claims 14-17 are also allowable over the art of record.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Heidari. Claim 18 has been amended to include the limitation of claim 19, which is rejected under 35 U.S.C. 103(a) in view of Bauer. Accordingly, only the rejection of claim 18 under 35 U.S.C. 103(a) is discussed in detail. Applicant submits that Heidari either alone or in combination with Bauer also fails to disclose, teach, or suggest the two-way radio of independent claim 18. For the same reasons as discussed above with reference to claim 1, Heidari in combination with Bauer fails to disclose, teach, or suggest a two-way radio including **a memory storage device, a two-way radio transmitter system, a two-way radio receiver system for storing the demodulated audio signals in the memory storage device via the controller, and a switch for switching the antenna between the transmitter system and the receiver system**. In view of the above, Applicant respectfully submits that the rejection of independent claim 18 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 20-23 depend directly or indirectly upon independent claim 18. Accordingly, dependent claims 20-23 are also allowable over the art of record.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Heidari. Claim 24 has been amended to include the limitation of claim 28, which is rejected under 35 U.S.C. 103(a) in view of Bauer. Accordingly, only the rejection of claim 24 under 35 U.S.C. 103(a) is discussed in detail. Applicant submits that Heidari either alone or in combination with Bauer also fails to disclose, teach, or suggest the method of independent claim 24. For the same reasons as discussed above with reference to claim 1, Heidari in combination with Bauer fails to disclose, teach, or suggest a method including **transmitting modulated radio signals via a two-way radio transmitter system, receiving demodulated audio signals via a two-way radio receiver system including a receiver control system and a memory storage device, including receiving the audio signals via the receiver control system and**

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**storing the audio signals in the memory storage device, and switching between the transmitter system and the receiver system.** In view of the above, Applicant respectfully submits that the rejection of independent claim 24 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 25-27 depend directly upon independent claim 24. Accordingly, dependent claims 25-27 are also allowable over the art of record.

**Added Claims**

Claims 29-31 have been added. Applicant submits that added claim 29 is not disclosed, taught, or suggested by Heidari, Bauer, or White, either alone or in combination. Accordingly, applicant submits that added claim 29 is allowable over the art of record. Dependent claims 30-31 depend directly or indirectly upon independent claim 29. Accordingly, dependent claims 30-31 are also allowable over the art of record.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 3-18, 20-27, and 29-31 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 3-18, 20-27, and 29-31 is respectfully requested.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 08-2025 the amount of \$200.00 to cover fees as set forth under 37 C.F.R. 1.16(b)(c).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Hewlett-Packard Company**  
Intellectual Property Administration  
P.O. Box 272400  
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Respectfully submitted,

Jack L. Meador,

By his attorneys,

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Date: December 16, 2004  
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Steven E. Dicke  
Steven E. Dicke  
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of December, 2004.

By Steven E. Dicke  
Name: Steven E. Dicke